

JAN 26 2017

A091 (Rev. 8/01) Criminal Complaint

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Tomas LOPEZ-Pena

CRIMINAL COMPLAINT

Case Number: C-17-78M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 25, 2017 in Brooks County, in the

(Date)

Southern District of Texas defendant, Tomas LOPEZ-Pena a native and citizen of Mexico, and an alien who had been previously deported from the United States was found unlawfully within the United States in Brooks County, Texas, the said defendant having not obtained the consent of the Attorney General or the Secretary of the Department of Homeland Security for application for readmission into the United States,

in violation of Title 8 United States Code, Section(s) 1326.
 I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following Facts:
 Official Title

On January 25, 2017 Tomas LOPEZ-Pena was encountered at the Falfurrias, Texas Border Patrol Checkpoint. LOPEZ was part of an administrative alien smuggling case. Agents determined LOPEZ to be a citizen and national of Mexico without any immigration documents that would allow him to enter or remain in the United States legally. Record checks revealed LOPEZ was ordered removed from the United States by an Immigration Judge on November 21, 2016 in Dallas, Texas. LOPEZ was then physically removed from the United States to Mexico on November 23, 2016 via Del Rio, Texas. Record checks further revealed LOPEZ has a conviction for Driving While Intoxicated (3rd time) and was sentenced to 7 years confinement (7 years suspended sentence). LOPEZ stated that he last entered the United States illegally on or about January 20, 2017 via Hidalgo, Texas. At this time there is no evidence to indicate LOPEZ has applied for re-admission into the United States by the United States Attorney General or the Secretary of the Department of Homeland Security. RGV North Prosecutions presented the facts to AUSA Michael Hess who accepted prosecution for 8 USC 1326, Re-entry after Deportation.

Sworn to before me and signed in my presence, and probable cause found on:

January 26, 2017

Date

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Jaime Trevino

Printed Name of Complainant

Corpus Christi, Texas

City and State

Signature of Judicial Officer